

MICHIGAN PROBATE JUDGES ASSOCIATION

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Senator Rick Jones, Chair
Michigan Senate Judiciary Committee
State Capitol
Lansing, MI 48933

RE: SB 694

Dear Senator Jones and Judiciary Committee members:

The Michigan Probate Judges Association does not support SB 694 in its present form. We recognize the unfortunate circumstances that prompted a prosecutor to request these amendments. However, changing a well-established statute to correct one set of facts sometimes leads to over broad changes that have unintended results.

While Prosecutor Bahrman argues in her letter to the Judiciary Committee that the new definition of criminality means "a violation that by its very nature renders the home unfit", we would ask, by whose definition is a home unfit? The statute does not specify criminal sexual conduct as its target. By opening the door to vaguely defined "criminality" which does not even require a conviction, and allowing neglect petitions for "anticipatory abuse", we fear the effect could be an onslaught of domestic and custodial disputes spilling over into child protection cases, doubling a family's court involvement.

The judges who handle these cases recognize that this is a complicated area that requires further thought and discussion. While it is our goal to protect children from danger, we also need to insure that the laws permitting neglect petitions do not inadvertently hurt children by unnecessarily disrupting family connections.

The MPJA would respectfully request an opportunity to meet with the bill's sponsor and proponents, as well as the DHS, the PAAM, and the Family and Children's Law Sections of the State Bar, to discuss how the issue of enhancing protection of children might be solved in a less sweeping manner.

Respectfully submitted,

Karen A. Tighe, Judge of Bay County Probate Court
President of Michigan Probate Judges Association